

The Proposed Clean Water Act

Framework For Preparing Source Protection Plans

The McGuinty government has proposed a plan to reduce the risks to drinking water through preventative planning. This plan is the Clean Water Act.

The proposed Clean Water Act would require communities to establish source protection committees to examine drinking water sources and identify potential sources of contamination. It would also require the committees to create a plan to reduce or eliminate these potential threats. Municipalities would play a key role in the preparation of these plans and would implement them.

The act proposes the following process to help communities come up with their own plans to protect sources of drinking water:

Establish who does what

The source protection committee would begin by outlining all the necessary steps to develop and implement a plan to protect drinking water sources. They would decide who is responsible for carrying out different activities. Terms of reference would outline how the source protection planning process would roll out to involve municipalities, the community and potentially affected landowners, businesses and industry. The terms of reference would include strategies to consult, how the public

would be involved and mechanisms to resolve disputes.

An initial scan of the watersheds to identify vulnerable areas including municipal wellhead or intake protection areas would help municipalities decide which activities they would do and which would be done by conservation authorities.

Assess risks to drinking water

Once a plan of action has been set out, those responsible for identifying and assessing threats to quality and quantity of drinking water sources would begin work. They would decide which drinking water threats need immediate action, those that need monitoring to ensure they do not become more serious, and identify cases where no action is needed.

Major steps would be identifying vulnerable areas including present and future groundwater and surface water municipal supplies, areas where large regional aquifers are being recharged, and where these are vulnerable to contamination. Water budgets would be carried out to measure how much water exists both above and below ground, how it moves, and how much water the community uses to identify potential water shortages.

Take early action on significant threats

Municipalities could act on significant threats to

their water supply wells and intakes as soon as the science-based assessment report is approved by the ministry. Municipalities could order any one involved in an activity that is or would be a significant threat in an area identified in the assessment report to develop a risk management plan. This plan would detail the site-specific measures that the person will take to ensure an activity is carried on in such a manner that it is not a significant drinking water threat.

The source protection authority may be required to report annually on all risks after the assessment report is approved to track interim implementation and demonstrate what progress has been made through voluntary measures and/or risk management plans.

Develop a source protection plan

Once they have identified the risks to drinking water, the municipality would then work with various groups to come up with a source protection plan to address these risks. Broad consultation would result in conservation authorities, landowners, farmers, industry, businesses, community groups and the public all being involved in coming up with workable, effective solutions.

Municipalities, conservation authorities, property owners and other members of the public would identify opportunities to reduce both existing and future risks and capture these strategies in a draft source protection plan for public comment. Many risks could be reduced voluntarily or through incentives. Significant risks to municipal water supply wells or intakes would require action. The plan would set out how significant drinking water threats will be reduced, who is responsible for taking action, timelines and how progress will be measured.

Municipalities and any person affected by the plan would be notified and given adequate time to provide comments on the proposed plan. In addition, the proposed plan would have to be made available for public comment before it is submitted to the minister for approval. Municipal councils may pass resolutions of support or provide comments. Any person, including someone affected by the plan who thinks the proposed

policies are not appropriate or too onerous, may ask for a hearing.

Carry out the plan

Putting the source protection plan into action may be done through by-laws, education programs, incentives, land-use planning initiatives, partnerships, orders and permits.

After the source protection plan is approved, any one who wants to engage in an activity identified in the source protection plan as one that is or would be a significant drinking water threat in a municipal wellhead protection area or surface water intake protection zone would first have to seek a permit from the municipality. The purpose of the permit is to ensure that an activity does not pose a significant threat to a drinking water source.

Outside these areas, instruments such as zoning by-laws or official plan amendments or education and incentives would be used to implement the provisions of the source protection plan. To help achieve the objectives of the source protection plan, the province could update an instrument such as certificates of approval if it relates to an activity identified in the plan as one that is or would be a significant drinking water threat.

Stay vigilant

Plans would include continuous monitoring and reporting to measure the effectiveness of the actions taken to protect drinking water sources and ensure they are protected in the future. The source protection authority would provide annual reports to the minister. These reports would track implementation and compliance. The annual reports would be made public. At a frequency set when the minister approves the plan, the entire planning process would begin again starting with new terms of reference.

For further information visit the Ministry of the Environment's website at www.ontario.ca/cleanwater or contact:
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